

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-208-RJC**

IN RE:)	
)	
RICHARD P. MEABON AND EVELYN L. MEABON,)	
)	
Debtors.)	
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)	
RICHARD PAUL MEABON, AND MARTHA MEDLIN, in her capacity as Trustee under that Certain Trust Agreement of Raymond B. Meabon and Nancy E. Meabon dated May 10, 1991,)	
)	
Appellants,)	
)	
v.)	<u>ORDER</u>
)	
R. KEITH JOHNSON, Trustee for the Bankruptcy Estate of Richard P. Meabon and Evelyn L. Meabon,)	
)	
Appellee.)	
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THIS MATTER comes before the Court on Appellee’s Motion for Damages and Costs for Frivolous Appeal Pursuant to Bankruptcy Rule 8020, (Doc. 11), Appellant’s Response in Opposition to Appellee’s Motion, (Doc. 18), and Appellee’s Reply to Appellant’s Response, (Doc. 19). It is ripe for review.

Bankruptcy Rule 8020 provides that when a “district court...determines that an appeal from an order, judgment, or decree of a bankruptcy judge is frivolous, it may, after a separately filed motion or notice from the district court...award just damages and single or double costs to the appellee.” Fed. R. Bankr. P. 8020. Courts implement a two-part test in determining whether a motion for sanctions is appropriate regarding a frivolous bankruptcy appeal; first, whether the

appeal is frivolous, and then whether it is an appropriate case for the imposition of sanctions. The decision to grant a motion for sanctions rests within the discretion of the district court. Leliever v. Ward, 2013 U.S. Dist. LEXIS 64331, *3 (W.D.N.C. May 6, 2013) (*citing* National Energy & Gas Transmission, Inc., 2009 U.S. Dist. LEXIS 62695, *4 (D. Md. July 22, 2009)).

Having carefully considered the motion, the record, and applicable authority, the undersigned will deny Appellee's Motion for Damages and Costs.

IT IS, THEREFORE, ORDERED that Appellee's "Motion for Damages and Costs for Frivolous Appeal Pursuant to Bankruptcy Rule 8020", (Doc. 11) is **DENIED**.

Signed: November 3, 2014

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

